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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,314	10/08/2003	Mark Bellm	7262-005	7326
20575	7590	06/14/2005		
MARGER JOHNSON & MCCOLLOM, P.C. 1030 SW MORRISON STREET PORTLAND, OR 97205			EXAMINER PAYER, HWEI SIU CHOU	
			ART UNIT 3724	PAPER NUMBER
DATE MAILED: 06/14/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/682,314

Applicant(s)

BELLM ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7 and 17-25 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 October 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## Detailed Action

(1) Applicant's election without traverse of invention Group I in the reply filed on 4-7-2005 is acknowledged.

(2) Claims 14A and 22A are misnumbered. Accordingly, claims 14A-23 have been renumbered as claims 15-25, respectively. None-elected claims 11-16 have been withdrawn from further consideration.

## Objection to the Drawings

The drawings are objected to because:

(1) Reference numeral "12" (in Figs.2A and 4) has not been described in the specification.

(2) In Fig.4, reference numeral "18" has not been described in the specification.

(3) Figs.6A,6B,7A,7B,8A,8B and 10 are admitted prior art and should be so labeled.

(4) In Figs. 8B, 9 and 11, " $\theta_{int}$ " has not been described in the specification.

(5) In Fig.11, " $\theta_{TOT}$ " has not been described in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure

number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### **Objection to the Specification**

The disclosure is objected to because of the following informalities:

(1) On page 3, lines 4-5, "by rotation of external head 10 against internal head 20" is incorrect. The phrase should read --by rotation of internal head 20 against external head 10--.

(2) On page 3, line 27, "rotated opposite directions" should read --rotated in opposite directions--.

(3) On page 4, line 20, "external openings" should read --internal openings--.

Appropriate correction is required.

### **Claims Objection**

Claims 17-25 are objected to because of the following informalities:

(1) In claim 17, line 6, "a rotational axis" should read --the rotational axis-- since it refers to the one previously cited.

(2) In claim 17, line 12, "a rotational axis" should read --the rotational axis-- since it refers to the one previously cited.

(3) In claims 20-23, "degrees" should read --degree--.

(4) Claim 24 is redundant since the limitation cited therein has already been included in claim 17.

Appropriate correction is required.

### **Claim Rejection - 35 U.S.C. 112, first paragraph**

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 19 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed angle of 2.3 degrees has no support from the original specification.

**Claims Rejection - 35 U.S.C. 102(b)**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6, 17 and 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Strike (U.S. Patent No. 3,085,328).

Strike shows the claimed rotary hair trimmer. He specifically states the cutting edges (31,35) may be differently angled relatively to obtain efficient clipping or shearing to minimize pulling on the hairs being cut (see column 2, lines 44-47). Fig.3 of Strike shows the inner bore of the first cutting head (9) being a diameter substantially equal to an outside diameter of the second cutting head (10), and the first and second cutting teeth can substantially align no more than one first cutting edge (35) with one second cutting edge (31). It is noted Strike does suggest relief or clearance may be provided between the sleeve (24) and the clipper element (see column 2, lines 29-33) but it's only wherever desired.

**Claims Rejection - 35 U.S.C. 103(a)**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6 and 7 are rejected under 35 U.S.C. 103(a) as unpatentable over Bolduc (U.S. Patent No. 3,965,569).

Bolduc shows a rotary cutting device comprising an outer cutting head (29) having **eight** cutting teeth (33, see column 2, lines 61-62), and an inner cutting head (27) having two inner cutting teeth (45,46) . However, Bolduc does suggest the number of the teeth (33) can vary (see column 2, lines 64-66). Therefore, it would have been obvious to one skilled in the art to modify Bolduc by making seven or nine cutting teeth (33) rather than eight as desired.

3. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strike (U.S. Patent No. 3,085,328).

Strike as set forth shows a rotary hair trimmer substantially as claimed except for the range of the difference in the rake angles.

However, the claimed range of the difference in the rake angles is not patentably distinct over Strike, since as evidenced by Applicants (on page 6 of the specification) the range is merely preferable. The exact range of the difference in rake angles depends more upon the criteria of the cutting teeth (i.e. whether a more efficient cutting blade or a less wear blade is desired) than on any inventive concept.

### **Indication of Allowable Subject Matter**

Claims 2-5 and 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 2-5 and 8-10 contain allowable subject matter because none of the prior art of record taken alone or in combination thereof shows or fairly suggests the claimed numbers for the inner teeth and the outer teeth. The numbers are so selected that results in alignment of no more than one external leading edge and one internal trailing edge in any rotational position (note page 4 of the specification).

### **Prior Art Citations**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. are cited as art of interest.

### **Point of Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 571-272-4514. The fax phone numbers

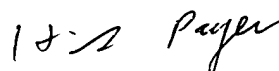


Application/Control Number: 10/682,314  
Art Unit: 3724

Page 8

for the organization where this application or proceeding is assigned are 703-872-9306  
for official communications and 571-273-4511 for proposed amendments.

H Payer  
June 8, 2005



**Hwa-Siu Payer**  
**Primary Examiner**